

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 5, 1999
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman

Commissioners Absent: Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Assessor

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 28, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Steinman seconded approval. On call Campbell, Hudkins, Heier and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 2 additions and deductions to the tax assessment rolls per Exhibit "A". (19991997)

MOTION: Heier moved and Hudkins seconded approval. On call Heier, Campbell, Steinman and Hudkins voted aye. Motion carried.

- 3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

Catholic Center

MOTION: Steinman moved and Heier seconded approval a motor vehicle tax exemption for the Catholic Center. On call Steinman, Heier, Campbell and Hudkins voted aye. Motion carried.

The Chair recessed the Board of Equalization meeting until 2:30 p.m. when it was reconvened.

4) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

Dennis and Malinda Buel (2 notices)

The Assessor's recommendation was to set the value at \$3,325 (Parcel I.D. 15-29-200-004-000) and at \$3,565 (Parcel I.D. 15-28-300-008-000) for Malinda and Dennis Buel.

Arlin and Delores Knisley

The Assessor's recommendation was to set the value at \$158,786.

Laury and Jerry Hostetler

The Assessor's recommendation was to set the value at \$195,085.

Pine Lake Development LLC

This item was deferred to October 19, 1999 at 2:30 p.m.

MOTION: Steinman moved and Heier seconded to accept the recommendations of the County Assessor. On call Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **APPEAL FILED ON PENALTY AGAINST PERSONAL PROPERTY FOR THE FOLLOWING:**

Purbaugh Masonry, Inc. (19991841)

The Assessor stated his office would be assessing a \$100 penalty. Total tax would be approximately \$38.

Willard Alumnae Association, Inc. (19991754)

The Assessor stated they would assess a \$100 late filing fee and the total tax would be approximately \$10.15.

MOTION: Steinman moved and Hudkins seconded to assess a \$100 late filing fee for Purbaugh Masonry Inc and the Willard Alumnae Association, Inc. On call Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

6) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 5, 1999.**

MOTION: Steinman moved and Heier seconded approval. On call Heier, Campbell, Steinman and Hudkins voted aye. Motion carried.

It was announced that New Business Item 4M would be moved forward on the agenda.

- 4) **M. Request from Michael Thurber, Corrections Director, to expend \$3,000 of Inmate Benefit Funds to support the Good News Jail and Prison Ministries of Fairfax, Virginia. (19991980)**

Mike Thurber, Corrections Director, explained that this would be the fourth year that Jail and Prison Ministries have been a part of Lancaster County and the Corrections Department. Historically, he said, they have used a portion of the Inmate Benefit Fund to help the ministry fund a full-time chaplain. He stated a motion to approve the expenditure would be used for the on-going financial budget to support their ministry and Bible studies, as well as the full-time chaplain's salary.

Thurber stated on Monday, October 18, 1999 the "Praise Celebration" will be held at the Cornhusker Hotel and extended an invitation to the Board.

MOTION: Steinman moved and Heier seconded approval. On call Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

- A. Final Plat 99010, Meadow View, requested by Jack Tuma of ESP on behalf of Meadow View Estates, Inc., for 28 residential lots and three outlots for future development, open space and wastewater lagoon on property generally located in the northwest corner of Southwest 84th Street and West Van Dorn Streets in Lancaster County, Nebraska. (Subdivision agreement and Resolution) (19991839) (19991991) (19991992)**

The Chair opened the public hearing and asked if anyone wished to speak in favor of the final plat.

The Clerk administered the oath to Hub Hall.

Hub Hall, developer, appeared and explained that the road has been graded and the area for the lake has been dug. An irrigation well will also be put in to ensure that the lake is always full. Hall also stated the dirt has been moved for the wastewater lagoon and the sanitary sewer is currently being installed.

The Chair asked if anyone else wished to testify.

No one appeared and the public hearing was closed.

MOTION: Steinman moved and Hudkins seconded approval of the subdivision agreement and Resolution 99-1992 in relation to County Final Plat 99010, Meadow View. On call Steinman, Heier, Campbell and Hudkins voted aye. Motion carried.

- B. County Change of Zone 190, requested by the Interim Director of Planning, at the request of the Lancaster County Board, for a text amendment to the Lancaster County Zoning Resolution to declare a Limited Moratorium on off-premise signs of 150 square feet or more in area in all zoning districts through February 10, 2000. (19991843) (19991995)**

The Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Mike DeKalb.

Mike DeKalb, Planning Department, explained that the County's resolution matches the City's moratorium. He stated there are ten areas within the County where billboards could be placed, in some cases the signs could be unlimited in size and number. The intention would be to match the City's moratorium with the same end date and allow time for an adjustment procedure to new ordinances/resolutions which have developed.

The Chair asked if anyone else wished to testify.

No one appeared and the public hearing was closed.

MOTION: Hudkins moved and Heier seconded approval of Resolution 99-1995 in relation to County Change of Zone 190. On call Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

- C. **County Board of Zoning Appeals, Appeal 109, requested by Peter W Katt on behalf of Patti Hinzman and Dennis Eucher, alleging an error of interpretation of Section 4.017(f)(2) and 4.017(f)(1) relating to determination of lot use and for a variance relative to buildable lot area, average lot width, minimum frontage and requirements for common ownership of adjoining lots on property located at South 96th Street and Saltillo Road in Lancaster County, Nebraska. (19991840) (19991993)**

The Chair opened the public hearing.

The Clerk administered the oath to Patti Hinzman.

Patti Hinzman, applicant, stated she was under the understanding that her attorney argued the wrong point which was that there was no misinterpretation of the law but rather, an unusual circumstance. She explained when they purchased the property they thought the existing home could remain and that they could build a new home. She also stated the problem was created before the adoption of the County Zoning Regulations in 1979 when the property was under separate family-held ownership and then transferred to one of the parties.

Steinman asked if she was correct in her understanding that they plan to split the property so it is more equally divided.

Hinzman stated that was correct.

The Chair asked if anyone else wished to testify.

No one appeared and the public hearing was closed.

MOTION: Hudkins moved and Heier seconded approval of Resolution 99-1993 in relation to County Board of Zoning Appeals, Appeal 109. On call Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

4) **NEW BUSINESS:**

- A. **A lease agreement with Lincoln Medical Education Foundation to lease office space to the County for the Families First and Foremost project, beginning October 1, 1999 and ending September 30, 2000. The County will pay \$435.42 per month or \$5,225 for the whole year. (19991996)**

MOTION: Steinman moved and Heier seconded approval.

Steinman noted that the monies would be paid out of the grant.

Kerry Eagan, Chief Administrative Officer, suggested that the approval be subject to receipt of executed agreements from Lincoln Medical Education Foundation.

Both the maker of the motion and the seconder agreed that the approval be subject to receipt of executed agreements from Lincoln Medical Education Foundation.

ROLL CALL: Steinman, Campbell, Hudkins and Heier voted aye. Motion carried.

B. Grant contracts with the following which are to be paid quarterly by the County for the term beginning July 1, 1999 and ending June 30, 2000:

- * **Family Service Association, Inc. to provide funding for general operations, the Building Tomorrow program, child care services, individual and family therapy and the Parents and Child Together program, in the amount of \$250,263. (19991987)**
- * **Peoples City Mission to provide funding for the general operations of the family/women's shelter, in the amount of \$30,000. (19991988)**

MOTION: Heier moved and Steinman seconded approval. On call Heier, Hudkins, Campbell and Svoboda voted aye. Motion carried.

C. An interlocal agreement with the City of Lincoln for the Urban Development Housing and Real Estate Division (HRED) to provide project administration to identify and map City and County owned property, in an estimated amount of \$22,762, to be billed to the County at an hourly rate based on the combined direct and indirect costs associated with the employee providing the service, plus expenses where applicable. Term of the agreement is one year. (19991985)

Kerry Eagan, Chief Administrative Officer, stated the agreement is for the Geographic Information System intern to develop GIS maps of all City and County property.

MOTION: Hudkins moved and Steinman seconded approval. On call Campbell, Steinman, Heier and Hudkins voted aye. Motion carried.

D. An agreement with the United States Department of Interior for the operation and computation of records at the following gaging stations, in the amount of \$13,340: (19991984)

- * **Salt Creek at Roca**
- * **Little Salt Creek near Lincoln**

- * Stevens Creek near Lincoln
- * Rock Creek near Ceresco

MOTION: Steinman moved and Heier seconded approval. On call Heier, Steinman, Campbell and Hudkins voted aye. Motion carried.

- E. A contract with PharMerica for pharmacy services for Lancaster Manor, beginning October 28, 1999 and ending October 31, 2002 with an option to renew for an addition three year period. Compensation for prescription and non-prescription items shall be in compliance with the Nebraska Department of Public Welfare published fee schedule and shall not exceed the Medicare/Medicaid rates. (19991999)

MOTION: Steinman moved and Hudkins seconded approval. On call Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

- F. Authorization of the installation/relocation of the following traffic signs in Lancaster County, Nebraska: (19991989)

- * Installation of a "25 mile per hour" speed limit sign on West Foothills Road inside the Burr Oaks subdivision boundary for eastbound traffic entering from the Ridgewood subdivision.
- * Installation of "Children at Play" signs on West Wittstruck Road, one east of Southwest 114th Street for westbound traffic and one, one-half mile west of Southwest 114th Street for eastbound traffic
- * Installation of a "Stop" sign on South 148th Street at Stagecoach Road for southbound traffic and a "Stop" sign north of the "Stop" sign on South 148th Street for southbound traffic
- * Installation of a "Stop Ahead" sign on Stagecoach Road east of South 134th Street for westbound traffic

On South 84th Street south of Highway 2 the following sign changes are necessary:

- * Installation of a "Stop Ahead" sign north of the Omaha Public Power District (OPPD) railroad for southbound traffic.
- * Relocation of the "Advance Railroad Warning" sign for southbound traffic to the north of the OPPD railroad.
- * Installation of a "Stop" sign at the OPPD railroad crossing for southbound traffic.
- * Relocation of the "55 mile per hour" speed limit sign for southbound traffic from its current location on the north side of the crossing to the south side.

Don Thomas, County Engineer, stated that the landowner will be paying for the cost of the "Children at Play" signs on West Wittstruck Road, one east of Southwest 114th Street for westbound traffic and one, one-half mile west of Southwest 114th Street for eastbound traffic. The County will install the signage.

MOTION: Hudkins moved and Heier seconded approval of Resolution 99-1989. On call Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

G. A resolution regarding issues in relation to Legislative Bill 496 to be presented at the Nebraska Association of County Officials annual meeting. (19991990)

MOTION: Steinman moved and Heier seconded approval of Resolution 99-1990.

Kerry Eagan, Chief Administrative Officer, stated Legislative Resolution 56 (post-commitment mental health patient care) should be added to the resolution.

Both the maker of the motion and the seconder agreed that Resolution 99-1990 be amended to include Legislative Resolution 56.

ROLL CALL: Hudkins, Heier, Campbell and Steinman voted aye. Motion carried.

H. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Northwood Specialty Company for snow fence material, in the total amount of \$10,442.25. (19991994)

MOTION: Steinman moved and Hudkins seconded approval. On call Campbell, Heier, Steinman and Hudkins voted aye. Motion carried.

I. Establishment of the position of Special Grants Administrator in the County Unclassified Service. (19992009)

MOTION: Steinman moved and Heier seconded approval. On call Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

J. Appointment of Denise Bulling as the Special Grants Administrator, at a salary of \$57,000, effective October 1, 1999.

MOTION: Steinman moved and Heier seconded approval.

Steinman noted that the money regarding salary comes from the grant.

ROLL CALL: Campbell, Hudkins, Heier and Steinman voted aye. Motion carried.

- K. **Appointment of Dean Settle as the Director of the Community Mental Health Center, at an annual salary of \$70,000, beginning October 14, 1999, with a six month review.**

MOTION: Hudkins moved and Steinman seconded approval. On call Heier, Campbell, Steinman and Hudkins voted aye. Motion carried.

- L. **Appointment of Jennifer Villebro, Deputy Public Defender, at an annual salary of \$32,500, effective October 4, 1999. (19991974)**

MOTION: Steinman moved and Heier seconded approval. On call Steinman, Heier, Campbell and Hudkins voted aye. Motion carried.

- M. **Request from Michael Thurber, Corrections Director, to expend \$3,000 of Inmate Benefit Funds to support the Good News Jail and Prison Ministries of Fairfax, Virginia. (19991980)**

This item was previously heard.

- 5) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

- A. **Setting of a public hearing for Tuesday, October 19, 1999 at 1:30 p.m. in the Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding an application for a Class M Bottle Club liquor license from Rasmussens' on the Lake LLC dba/ "P.O. Pears on the Lake" located at 10001 West Davey Road in Lancaster County, Nebraska. (19991998)**

- B. **Setting of a public hearing for Tuesday, October 26, 1999 at 1:30 p.m. in the Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding determination of surplus property and subsequent sale. The property is generally located on Park Boulevard between Hill Street and Van Dorn Street. (19992000)**

MOTION: Steinman moved and Hudkins seconded approval of the Consent Items. On call Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

- 6) **ADJOURNMENT:**

MOTION: Heier moved and Steinman seconded adjournment of the Board of Commissioners meeting. On call Steinman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk